

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO

WALDEMAR BURGOS-CHAPARRO,
Petitioner,
v.
UNITED STATES OF AMERICA
Respondent.

CIVIL NO. 04-1114 (PG)
[Cr. No. 99-307 (PG)]

O R D E R

Upon careful review of the Magistrate Judge's Report and Recommendation (Docket No. 15), to which no objections were filed, the applicable case law, and the record of this case, the Magistrate Judge's Report and Recommendation is hereby **APPROVED AND ADOPTED**. As such, petitioner's 28 U.S.C. § 2255 motion is **GRANTED** on procedural grounds and his sentence is **VACATED**, with a resentencing hearing to be scheduled. Petitioner's motion is otherwise **DENIED**.

SO ORDERED.

In San Juan, Puerto Rico, July 21, 2005.

S/ JUAN M. PÉREZ-GIMÉNEZ
JUAN M. PÉREZ-GIMÉNEZ
UNITED STATES DISTRICT JUDGE